

PESTICIDES NEWSLETTER

A collaboration between EPA and the Region 4 States

Quarterly Newsletter of the Pesticides Section of the Region 4 Environmental Protection Agency

Jeaneanne Gettle, Chief, Pesticides Section

Jane Horton, Editor

Pesticides Section Website Updated

by Troy Pierce, Ph.D.

With the work of several people in the Pesticides Section, the Section Website has been revamped and several new items have been added. The Website includes links to each state's Website and has contact information for staff of the Pesticides Section. Publications from the Section are now available via the Website and include *Alphabet Soup*, edited by Lora Lee Schroeder, and the *Regional Pesticides Newsletter*, edited by Jane Horton.

In an effort to make pesticide reporting easier for importing companies, the "Notice of Arrival of Pesticides and Devices Form" as well as the instructions for filling out the form are now included on the Website. Milo Otey is the key contact on the subject of pesticide importation and provided the information for this part of the Section's Website.

Information concerning "EPA Establishment Numbers" and the "Pesticide Report for Pesticide Producing Establishments" has been placed on the Website. This information includes links to EPA headquarters webpages on the subjects of registering pesticides and determining if a product is indeed a pesticide. Gloria Knight provided the writeup for this webpage and, along with Jacquelyn Wilkerson, provides expertise in the above areas.

Finally, the Pesticide Section would like to provide the public with press releases and case summaries concerning important enforcement actions developed by the Section. In the spirit of this effort, these types of cases will be included on the Website. The press release for the case against Bio-Lab, Inc. of Decatur, Georgia has been added and

more cases will be included as summaries become available. The Pesticides Section contact concerning the Bio-Lab case is Cheryn Jones.

If you would like to look at the Pesticides Section Website the address is: <http://www.epa.gov/region4/air/pesticides/ptsb.htm>.

Comments and suggestions are greatly appreciated. Please contact Troy Pierce at pierce.troy@epa.gov or (404) 562-9016.

Urban Initiative Activities Update

by Carter Williamson

From August 16-19, 1999, EPA Region 4 and the Georgia Department of Agriculture hosted the 1999 Pesticide Regulatory Education Program (PREP) course "High Visibility Incident Management" in Atlanta, Georgia. Over 40 pesticide officials from EPA headquarters, regional and state pesticide and environmental departments attended this event. The facilitated discussions and hands-on activities focused on the various stages of high

visibility incidents: *discovery, investigation, coordination with other agencies, the press and public perception.*

The Good, The Bad, and The Ugly Truth

Lessons were presented with the premise that high visibility incidents can be both bad and good. **They are bad** because: they catch you unprepared; they strain both human and financial resources; they generate lots of misinformation; "bad" news hits the press first, and it takes at least four "good" stories to make up for the one bad one; they make you and your agency look bad, incompetent, uncaring, or insensitive; and they overshadow every good thing your agency has done or is doing. **The good aspects** of high visibility incidents are: they could make you and your agency appear competent, sensitive, and caring; they raise public awareness; they put pesticide issues in the forefront; they force a public evaluation of priorities and assumptions; they spur changes in regulations and laws; and, the culprits often receive the attention they deserve.

Death, Taxes and High Visibility



High Visibility Incident Management Training
PREP Course
August 16-19, 1999
Atlanta, Georgia
U.S. Environmental Protection Agency



Incidents: The class discussed what makes an incident “visible,” and how to recognize potential high visibility incidents. Most people in the class agreed that it was not a matter of *if* but *when* the incident would occur. The class discussed planning for the inevitable, and concluded that the predetermined response should be commensurate with the severity of the incident. The following action areas should be addressed (and considered as having equal weight) during the incident management process:

- 1) Enforcement potential;
- 2) Laboratory support (samples being collected for information and evidence);
- 3) Safety;
- 4) Logistics (assistance from other agencies);
- 5) Notification list (who needs to know and when);
- 6) Communication (when to notify media).

An Incident Can Really Muck Things Up

The afternoon session began with a discussion of recent high visibility incidents in Florida. The first example was the 1997 and 1998 medfly outbreaks with aerial spraying of malathion bait over urban areas; spraying without consent; alleged label violations; misinformation on the Internet; and various levels of protest. Topics covered during the session included EPA’s role in ensuring compliance, interpreting section 18 guidance, oversight of the application program, identifying improvements to outreach, opening lines of communication with local groups, and bringing all sides to the table.

The second high visibility incident discussed was the bird kills in Lake Apopka, Florida. Lake Apopka’s marshes have been drained and flooded regularly since the 1940’s when farmers began growing vegetables in the recent farming cycle. About a thousand birds, mostly pelicans, were killed. The chief suspects are organochlorines, but the culprit(s) has not been positively identified nor the *source* found. The situation is unresolved.

What You See Is What Gets You!

Clemson’s Department of Pesticide Regulation (DPR) was next to present an example of a high visibility incident at a middle school where Dursban was misapplied by a pest control operator, and the parents did not find out until more than two months later. Cam Lay, of the DPR, described the social and political scene at Laing Middle School: the federal control of the school district, polarized and fractious parents and administrators, and the inadequate school maintenance program. He offered observations which reinforced the basic tenets from earlier discussions: *perception is reality; perception is local; local experts have more credibility than national experts; and media is rarely local or expert.* Cam showed video clips of news reports to complement his lecture and urged the participants to have good data ready.

Not Much Aloha for Dogs

Steven Ogata of Hawaii Department of Agriculture also showed the class news clips of incidents in Hawaii where dogs were poisoned with paraquat-laced meat. Steven noted that deciding who would be the lead agency and establishing line of communication are paramount to a good investigation.

We Ride the Magic Bus Wednesday morning, armed with the previous day’s lessons fresh in their minds, the participants were asked to get on the bus for the “field trip to the zoo.” In fact, the trip to the zoo was a hoax and the participants were shuttled off to Grady High School to respond to an incident involving pesticide exposure. The class was called to the scene of an attack on the school by two students bearing large pump-action water guns filled with an “unknown” substance. The two students each had targeted two separate rooms where classes were in session, and had sprayed the substance onto desks, walls, floors and as a result of their actions, several people were exposed to pesticide. When the class arrived, the two “suspects” had been apprehended and were being questioned by police.

I’m Not a Thesbian but I Play One on TV

The situational exercise was an eye opener for most of the participants. Each team inspected the classrooms and took samples, questioned school staff members, an anxious and belligerent school principal, highly emotional parents, uncooperative suspects and witnessed a verbal battle between a defense attorney and a police detective. Each team was also confronted by a friendly yet curious newspaper reporter and a confrontational television news reporter. During the investigations of the “custodian’s office,” various pesticides and toxic substances that were not props were discovered and turned out to be red herrings for the investigators. In the end, one team helped the police conduct a search for an additional piece of “evidence” which turned out to be a bomb in an administrative office.

It Was Mr. Mustard in the Classroom

With a Squirt Gun At the end of the day of sleuthing, the teams were given a short debrief by the facilitators. Role players were introduced, and despite minor glitches, the exercise was an overwhelming success. The class session the following day was dedicated to dissecting the situational exercise and discussing the merits and drawbacks. Most of the class agreed that experiencing an “incident” first hand was very valuable and gave many a new perspective and “appreciation” for what each of our state inspectors go through on a routine basis.

The Comparison to “Matlock” Was

Inevitable Richard Hubert, the “attorney” who is in fact a real attorney, reviewed his role in defending a suspect. He suggested that each team decide their respective course of action according to the situation at hand (i.e., weighing the effect of infringing on the legal rights of the suspect versus the possibly grave emergency).

The Class Wraps Up The participants were treated to a bus tour around Atlanta, dinner at the Stone Mountain Inn, an awards ceremony, and a laser light show at Stone Mountain Park. The emergency

response mechanisms that were demonstrated during the PREP course will provide the participants the background to develop response plan.

Compliance Activity Tracking System (CATS) Now Multi-user

by Troy Pierce, Ph.D.

As many of you know, one of the main requests concerning CATS at the June, 1999 Pre-SFIREG meeting was the need for CATS to allow simultaneous multiple users. Well, for a cost of only \$500 and some expert work by Derrick Daniel, the CATS contractor/programmer, CATS is now available for the simultaneous work of up to four users. For those states and tribes which need multiple user CATS, please contact Troy Pierce at 404-562-9016 or pierce.troy@epa.gov.

One of the things that makes the CATS program powerful for use in targeting and planning efforts is the inclusion of pesticide active ingredient information in an inspection record. If the registration or brand name is known (or even just partially known) for a pesticide, CATS will search for the matching active ingredient. Having active ingredient data included in the inspection record makes the CATS data very useful for analyses including things such as: 1) What are the five top active ingredients found in violation on farms; 2) Which active ingredients need special targeting efforts in specific counties; and, 3) How are endangered species being exposed to active ingredients? Any efforts to increase entry of active ingredient information into inspection records will be especially helpful for future strategic planning.

The next major addition to the CATS program will be Compliance Assistance data. The inclusion of Compliance Assistance data was requested by the states to help EPA better track states' complete programs. At the October 26, 1999, Pre-SFIREG meeting, the CATS Committee and members of the Enforcement Committee met to finalize

the Compliance Assistance portion of the CATS program. EPA headquarters and the states have provided input for tracking Compliance Assistance effort. The Compliance Assistance section of CATS should be completed by the summer of 2000.

NEWS FROM THE STATES

Mosquito Control Activities in Region 4

by Randy Dominy

Mosquito control activities in Region 4 have escalated over the past couple of weeks as a result of flooding associated with Hurricane Floyd. Areas in both North Carolina and South Carolina are actively being sprayed to control adult mosquitos. Adult mosquitos, in addition to being a nuisance pest, also present a potential health threat since they can transmit St. Louis Encephalitis (SLE) and the newly detected West Nile Virus (WNV) to humans. Although these viruses usually are not life threatening, a recent outbreak of SLE and/or WNV in New York resulted in four deaths.

In addition to the activities in North and South Carolina, the Florida Department of Health has issued an SLE advisory for parts of southwest Florida. One case of SLE has been confirmed in this area of Florida and sentinel chicken flocks are indicating high levels of the SLE virus. At this time, routine mosquito control activities are ongoing in Florida. The Pesticides Section has participated in a number of activities related to the mosquito control activities in each of these states. Most notably, EPA has addressed issues related to application of these products over water and the potential effects they might have on human health and the environment.

Florida's Bureau of Entomology and Pest Control Moving to Tallahassee

The Bureau of Entomology and Pest Control has relocated to Tallahassee from Jacksonville. The new address is:
1203 Governor Square Blvd
Suite 300
Tallahassee, Florida 32301

Tentatively, the Administration's telephone number will be (850) 922-6877, Pest Control's telephone number will be (850) 921-4177, and Mosquito Control's telephone number will be (850) 922-7011. The fax number for Pest Control is (850) 410-0724. Mosquito Control's fax number is (850) 413-7044.

North Alabama "Cleans Up"

Over 50,000 pounds of agricultural pesticide wastes were collected August 25 at the Tennessee Valley Research and Extension Center in Belle Mina, Alabama. The Alabama Department of Agriculture and Industries, the Tennessee Valley Authority, the Alabama Department of Environmental Management (through a Clean Water Action Plan grant provided by the U.S. Environmental Protection Agency, Region 4), and the Alabama Crop Management Association provided funding for the event. Cooperating agencies included the Alabama Cooperative Extension System, the Tennessee Valley Resource Conservation and Development Council, the U.S.D.A. Natural Resource Conservation Service, and Alabama Farmers Federation. Legacy, Inc., Partners in Education provided a grant for distribution of triple-rinse nozzles for rinsing pesticide containers for recycling; Legacy also provided educational materials.

The program provided an opportunity for farmers to safely, economically, and legally remove and dispose of any pesticide wastes stored on their farms. All farmers located in TVA's power service area of North Alabama were eligible to participate. Eighty-one farms were represented from 12 counties.

For more information, please contact Regina McCoy, Tennessee Valley Authority, 256/386-3550 or by e-mail at rlmccoy@tva.gov

Tennessee Moves Towards On-Line Testing

The Tennessee Department of Agriculture is moving aggressively towards having certification and re-certification testing done by computer from remote locations. Computers will be placed across the state in various counties so as to provide easier access to persons wanting to become certified and/or licensed. Study material for all categories will be on the computer and updated at regular intervals.

Applicator certification exams will be the first to be loaded onto the computers - followed by license exams at a later date. At present, the State is examining various technologies that would give the best representation for insect and other identification portions of the exam typically done with specimens or photographs. Other items to be placed on the computer are laws and regulations, available schools, bulletins on various crops and diseases from UT.

Tennessee Pesticide Collection

In July 1997 the Tennessee Department of Agriculture, in cooperation with the Tennessee Valley Authority, EPA, the University of Tennessee Agricultural Extension Service, and others initiated the Tennessee Agricultural Pesticide Waste Collection Program as part of Tennessee's State Management Plan for Protection of Ground Water from Pesticides. The program began in the spring/summer of 1998 in seven counties located across the state. The selection of the counties was based on concentrated sales and highest rates of pesticide use in the state.

Farmers brought a total of over 100,000 pounds of agricultural pesticide wastes

to the seven collection events in 1998 for disposal. Farmers from 49 counties, representing 359 Tennessee farms, brought pesticide waste to the collection events.

Over 100,000 pounds of agricultural pesticide wastes were collected and properly disposed of in the ten counties in 1999. In addition to the ten collection events, the program started farm to farm pickups of pesticides where special transportation, storage or safety issues dictated the farm pickups. Farmers from 54 counties, representing 237 Tennessee farms, brought pesticide waste to the collection events.

Plans are to continue to provide collection opportunities for every farmer in Tennessee during the program period, with collection events planned for all counties across the state as the program progresses.

Men vs. Mice - Mice 1, Men 0

Lake Apopka - Residents of communities around Lake Apopka in Florida feel inundated - not by water but by hordes of mice which have infested homes and business at never-before-seen numbers. The State has spent hundreds of thousands of dollars on control and eradication, using firemen and other State personnel to help with the "disaster". The cause of the mice population explosion is unknown.

The vast farming area east of Lake Apopka - presumed to be the origin of the problem -- has virtually no sign of house mice. All the mice are showing up farther east in houses and no one is sure why. Local authorities still can't say what triggered the invasion, why it appears to be increasing. This kind of problem has never been encountered before and, to-date, a solution is unknown. A representative of the water district says that all the agencies are trying to work together to develop ways to combat the problem - without the

benefit of a history of experience or knowledge with a rodent problem of this magnitude.

Kentucky Hosts National Meeting

Kentucky hosted the August 21 - 25, 1999, national conference of the Association of Structural Pest Control Regulatory Officials (ASPCRO). A record crowd of over 200 people attended this year's conference.

At the meeting, John McCauley, Director of the Kentucky Department of Agriculture's, Division of Pesticides, was elected vice president of the Association. As vice president, John will represent ASPCRO on legislative issues in Washington, D.C., and serve as the group's key spokesperson on integrated pest management in schools. Jim Haskins from the Mississippi Department of Agriculture and Commerce was elected the president. With John and Jim currently in office and South Carolina's Carl Falco as the past president, Region 4 is amply represented in this national organization.

Ground Water

by Don Goode

The ground water program is trickling right along. The Pesticide Management Plan Rule is still in the economic analysis phase. EPA doesn't have a projection date for its publication in the Federal Register. Generic State Plans from NC, MS, and GA have received concurrence since the program has been in place. The Region is in the review process for plans from TN and KY. The States of FL, AL, and SC are revising their plans based on comments from EPA and to reflect changes in their programs.

Endangered Species

by Don Goode

Many of the States from Region 4 sent representatives to the recent National Endangered Species Workshop held in Tampa, FL. During the workshop, EPA headquarters representatives discussed the voluntary nature of the program, the Fish and Wildlife Service discussed the joint nature of the program through the consultation process between the two agencies, and breakout sessions were held to discuss various topics like integrating technology into endangered species protection and using publications for outreach efforts.

As an additional update, the Region 4 summary of the Endangered Species Protection Program has been updated. It was used as a reference during the national workshop. Contact information and various Internet sites have been added. Contact Don Goode of the Region 4 office to request a copy (printed or electronic) if you would like to use this as a handout or reference at your meetings or for a mailout.

State Resource: South Carolina has published full color brochures on the Pond Berry and the Red Cockaded Woodpecker. These are very attractive and informative references. At the Endangered Species Workshop, Tammy Lark offered to share these publications in electronic format with any State that would like to customize them for their local use. Tammy can be contacted at (864) 646-2169.

Enforcement

Hunter Fan Company - The U.S. Environmental Protection Agency (EPA) today announced the settlement of an administrative enforcement action against Hunter Fan Company, Memphis, Tennessee, for alleged violations of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The settlement requires the Hunter Fan

Company, to pay a \$105,600 penalty, and make changes to the labels and packaging of some of their humidifier and air purifier products.

Due to competitor complaints and a referral from EPA Region 7 in mid-1997, EPA Region 4 directed that product inspections be conducted by the Tennessee Department of Agriculture and the Mississippi Department of Agriculture & Commerce relating to Hunter Fan Company's "The Healthy Humidifier *plus*". Helpful information obtained from these participating state agencies led to an EPA investigation in November of 1997. In October of 1998 EPA Region 4 received a determination from EPA's Office of Enforcement that "The Healthy Humidifier *plus*" was an unregistered pesticide in that the product made unqualified antimicrobial claims and public health pesticidal claims for sterilization. In November of 1998, EPA Region 4 issued a Stop, Sale, Use or Removal Order (SSURO). Under FIFRA, all pesticide products, including those used for antimicrobial purposes, must be registered with the EPA before they can legally be sold or distributed in the United States.

During the EPA investigation a misbranded air purifying product was also identified. Hunter Fan Company's "HEPAtech Air Purification System" product line was determined to be misbranded pesticidal devices requiring an EPA establishment registration number appear on the products which identify the producing establishment.

Hunter Fan Company met with EPA in December of 1998 to work on interim labeling revisions and placards with qualifying language for "The Healthy Humidifier *plus*" in order for EPA to lift the SSURO. After much negotiation and several Amended SSUROs, EPA reached an agreement on a completely revised label for the "The Healthy Humidifier Plus" which now called "The Care-Free Humidifier *plus*." Under the Consent Agreement and Final Order that was filed on October 4, 1999, the Hunter Fan Company will introduce "The Care-Free

Humidifier *plus*" into the marketplace by November 15, 1999, and will begin distributing the revised "HEPAtech Air Purification System" revised packaging by that date as well.

Safe & Sure - On July 27, 1999, EPA's Environmental Appeals Board (EAB) issued the Final Decision in Safe & Sure Products, Inc., and Lester J. Workman, FIFRA Appeal No. 98-4. Mr. Workman had appealed Administrative Law Judge William Moran's June 26, 1998, decision. The EAB held that Mr. Workman was personally liable for the violations alleged in the complaint which included one count of failure to file the annual pesticides' production report and 84 counts of selling and distributing unregistered and misbranded pesticide products. The EAB upheld the assessment of a \$30,000 penalty.

Additionally, the decision included the region's conclusion that "the imposition of a penalty is not automatically precluded by a demonstration of an inability to pay" and that, even if Respondents were successful in demonstrating an inability to pay, "it may be more appropriate to weigh a factor such as gravity as heavily, or even more heavily than ability, in view of the long-term and widespread noncompliance of Safe & Sure and Mr. Workman." The decision stated "The Region's statement is accurate that 'inability to pay' does not 'automatically justify the non-payment of a penalty.'"

Lesco, Inc. -The Administrative Complaint and Consent Agreement and Consent Order (CACO) were simultaneously filed in Lesco, Inc., on September 8, 1999. The CACO settles the administrative action brought by Region 4 concerning the production, sale and distribution of the misbranded pesticide "Lesco Three-Way Selective Herbicide." The label failed to list both the signal word "Danger" and the children's precautionary statement "Keep Out of Reach of Children" on the front of the label.

In settlement of the enforcement action,

Lesco corrected the misbranded labels, instituted procedures to further check their labels for adherence to FIFRA, and agreed to pay a penalty of \$14,025. The misbranding violations were noted in a marketplace inspection at a Lesco, Inc., in Louisville, KY. A Notice of Warning was sent to the Louisville facility for the sale and distribution of a misbranded pesticide while the Administrative Complaint named the home office located in Rocky River, Ohio.

The inspection was performed by the Kentucky Department of Agriculture Pesticide Section Manager **Ken Franks** and KDA Inspector **Walter Reynolds**. **Jane Horton** and **Cheryn Jones**, Pesticides Section, Region 4, were also involved in the initial inspection. A follow-up inspection was performed by KDA Inspector **Raymond Cook**.

The Clo White Company - The Administrative Complaint filed September 20, 1999, The Clo White Company, Hampton, Georgia, contained four counts alleging the company produced, distributed and sold the unregistered pesticide White Arrow Bleach. EPA canceled the registration for White Arrow Bleach in 1989 for failure of the registrant, Astor Products, to pay registration fees.

In settlement of this matter, The Clo White Company agreed to institute label-checking procedures to help ensure that this type of violation does not recur and pay a penalty of \$15,400. The facility was originally inspected by Georgia Department of Agriculture Inspectors **Rick Hayes** and **Ronnie Spears**. A follow-up inspection was performed by **Cheryl Prinster**, Pesticides Section, EPA Region 4. These inspections also formed the basis of an Administrative Complaint filed against The Valspar Corporation on July 9, 1999 by EPA Region 5.

Zodiac Pool Care, Inc. - The Consent Agreement and Final Order against Zodiac Pool Care, Inc., simultaneously filed with the Administrative Complaint on October 21, 1999, involves inspections at three separate facilities.

Zodiac produces antimicrobial pool products known as Nature2 Natural Pool Purifier, Nature2Natural Spa Purifier, and Aqua Brilliant Natural Pool Water Purifier. In addition, Zodiac produces cartridges to use in these products. The case was further complicated by a 1987 letter signed by the former EPA Products Manager, Disinfectants Branch, Registration Division, which appears to have termed a similar predecessor product as a "device." Respondents were recently informed in a letter from EPA's Antimicrobial Division that these products are classified as pesticides and not devices. Because of the 1987 letter, however, EPA did not allege violations for distributing an unregistered pesticide, provided Respondents seek registration in a timely manner.

The Administrative Complaint alleges eight violations of distribution and sale of a misbranded pesticide due to failure of the label or container to list the EPA Establishment Number. This violation is also a violation for a pesticidal device. The Respondents are seeking registration of the pesticides and have agreed to place stickers with the EPA Establishment Number on packages under their control and in the channels of trade. In addition, the Respondents have agreed to pay a penalty of \$26,400.

Florida Inspector **Juli Jacobi** performed an inspection at Leslie Pool Supplies, Brandon, Florida, and Kentucky Inspector **Steve Alvey**, accompanied by **Cheryn Jones**, performed an inspection at Pool City, Louisville, Kentucky, where these misbranded products were sold. In addition, the Pennsylvania Department of Agriculture forwarded an inspection file on an inspection performed at Anthony and Sylvan Pools, Doylestown, Pennsylvania.

Certification and Training Update

The Certification and Training Assessment Group (CTAG) is moving forward with development and implementation of a set of recommendations that will shape the C&T program for the next century. The draft document, with key

recommendations highlighted in a separate executive summary, was presented to participants at the National C&T Workshop held in Portland, Maine, August 6-11, 1999. The focus of the meeting was discussion of the CTAG document and its recommendations, and strategic planning for advancing the CTAG effort. Attendees from the State Lead Agencies and Cooperative Extension Service offices voiced support for the CTAG recommendations and provided feedback on the proposals during group break-out sessions devoted to discussion of CTAG proposals. Industry representatives attending the meeting as part of a panel discussion (Robert Rosenberg, National Pest Control Association; Tom Delaney, Professional Lawn Care Association of America; and Paul Kindinger, Agricultural Retailers Association) also voiced support for the CTAG recommendations and urged EPA to pursue this effort vigorously. The next phase of the CTAG process will be to present the CTAG recommendations to the full spectrum of industry stakeholders at a meeting planned for early 2000, and to develop a formal strategic plan for implementing the CTAG recommendations over the next several years. CTAG members will meet in December 1999 to plan and organize for the next phase of the effort.

Out in the Field: Region 4 staff recently took part in an in-service training for county agents in Auburn, Alabama. The pesticide applicator training (PAT) coordinator requested that EPA be present to meet and talk with the county agents. Although several C&T topics were covered during the presentation and

question and answer session, one of the most important issues discussed involved the impacts of the Food Quality Protection Act (FQPA) on pesticide uses and their communications with growers about these impacts. As FQPA tolerance assessments are completed and registrants make decisions about retaining and/or dropping uses and making room in the "risk cup," product labels will be changing. Depending on the outcomes of a particular risk assessment, registrants may be lowering application rates, changing the number of applications allowed per year/season, or eliminating uses entirely for a given pesticide product. It is critically important that county agents and pesticide inspectors be aware of the changes that are being made to pesticide labels, and be cognizant of this in their communications with growers/users. If you have questions about C&T programs or FQPA, please feel free to call Richard Pont in the Region 4 office at 404-562-9018.

Phosphine Stakeholder Process

The national phosphine stakeholder meetings that had been planned for November and December in Regions 4, 7, and 9 to discuss the Aluminum & Magnesium Phosphide Reregistration Eligibility Document (AL/MG RED) and the associated proposed risk mitigation measures have been postponed indefinitely. The stakeholder meetings had originally been planned by EPA/HQ as a mechanism to gain input on the process of determining appropriate risk mitigation measures for the phosphine fumigants - because the initial risk mitigation measures proposed in the AL/MG RED proved to be so controversial and unacceptable to both industry and registrants. EPA/HQ has been meeting with USDA, registrants and members of the phosphine industry coalition to arrive at a new set of suitable risk mitigation measures for the fumigants. EPA/HQ has indicated that if all parties can agree on such risk mitigation measures, then stakeholder

meetings may not be necessary. Some regions and states have expressed concerns with some of the risk mitigation concepts being considered in these meetings due to questions about the regulatory burden that may result from certain measures. It is still too early to tell what the final risk mitigation measures will be, or whether there will be national phosphine stakeholder meetings; but states surveyed thus far indicated that at a minimum EPA/HQ should assure a mechanism is in place to allow wider stakeholder input on any revised risk mitigation measures before any final decisions are made. Questions about the AL/MG RED process and/or national phosphine stakeholder meetings should be directed to Richard Pont in the Region 4 office at 404-562-9018.

SECTION 7 UPDATE

by Gloria Knight

The Pesticides Section has expanded their Website to include information on the **Annual Pesticide Report** as well as **Establishment Registration**. Take a look at <http://www.epa.gov/region4/air/pesticides/ptsb.html> to see the new information. There are questions and answers pertaining to who must have an EPA establishment number, the annual reports, and addresses of other EPA regional offices. Several other internet sites are listed for *Registering a Pesticide*, *Pesticide Registration Kit* and *What is Considered a Pesticide*. We hope that this information will assist you and also the companies who have questions about registration and the annual report. Please share this site with them.

As always, we appreciate **your help in educating establishments about report deadlines** and procedures. The annual reports for 1999 should be mailed to the companies in mid-December and will be due March 1, 2000. As you visit companies, please remind them that as long as they have an active EPA establishment number, a report must be filed even if they had no production. If the company wants to cancel their EPA

establishment and be relieved of the necessity to report to us, they should contact our office (see the internet site for more information). Thanks again for your help.

Since May 1999, Civil Complaints totaling \$27,080 have been filed against the following companies (all in Florida) who failed to file their annual pesticides report: **International Chemical); N&K Enterprises ; Chemical Packaging; Culligan Opr Services/Enviro Systems; Five Star Pool; Osgood Designed Pools; and Splash Zone Pools.** A total of \$38,580 in penalties were assessed this fiscal year for Section 7 cases.

We would like to assure a wide variety of opinions and issues in the newsletter. Please take the time to let us know what is going on in your State. Submissions can be sent to your Project Officer or to Jane Horton at horton.jane@epamail.epa.gov.

If you would like to receive the newsletter or know of someone else who would, please send the name and address to the electronic mail address above or by letter to:

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